

**CONSISTENCY DETERMINATION
McCLELLAN-PALOMAR AIRPORT
AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)
December 1, 2011**

Item # 2 Resolution # 2011-0019 ALUC

Recommendation: Conditionally Consistent

ADOPTION OF CARLSBAD RESEARCH CENTER SPECIFIC PLAN, CITY OF CARLSBAD

Description of Project: Based on plans submitted to the ALUC, the project proposes the adoption of a specific plan for the Carlsbad Research Center, but does not involve construction of any structures or establishment of any new land uses. The plan replaces an existing specific plan and revises development regulations for the largely built-out area, which consists of light industrial and office campus buildings on 131 properties.

Noise Contours: Portions of the proposed project are located within the 60-65, 65-70, and 70-75 decibel Community Noise Equivalent Level (dB CNEL) noise contours. (See map, Attachment A). The ALUCP identifies most project land uses located within these noise contours as compatible or conditionally compatible with airport uses, provided that the latter are sound attenuated to a 45 or 50 dB CNEL interior noise level as indicated in the ALUCP. The ALUCP requires that an aviation easement be recorded with the County Recorder for conditionally compatible uses within the 65 or higher dB CNEL noise contour. The only project land use identified as incompatible by the ALUCP is parks, but only within the 70 or higher dB CNEL contour. That noise contour affects only 13 properties in the plan area, all of which are occupied by existing structures.

Airspace Protection Surfaces: The project does not propose any structures, but any future, proposed structures must require a determination of no hazard to air navigation issued by the Federal Aviation Administration (FAA) in instances where such notification is required.

Safety Zones: Most of the proposed project is located within Safety Zone 6. (See map, Attachment B). The ALUCP identifies all project land uses located Safety Zone 6 as compatible with airport uses. Fourteen properties lie partially within Safety Zone 5, and two properties have portions with Safety Zone 3; one property has portions within Safety Zones 1 and 2. All of these properties are occupied by existing structures. The portion of the single property lying within Safety Zone 1 is not occupied by structures, which are identified as incompatible

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by the ALUCP. The ALUCP identifies project land uses located within Safety Zones 2, 3, and 5 as compatible or conditionally compatible with airport uses, provided that the latter abide by floor area ratio (FAR) or people per acre (PPA) limitations specified in the ALUCP.

Overflight Notification Area: The proposed project is located within the overflight notification area, but the ALUCP only requires recordation of an overflight notification with the County Recorder for new residential land uses, and residential land uses are not permitted by the project.

Ownership: The 131 properties within the project are owned by numerous individuals and entities.

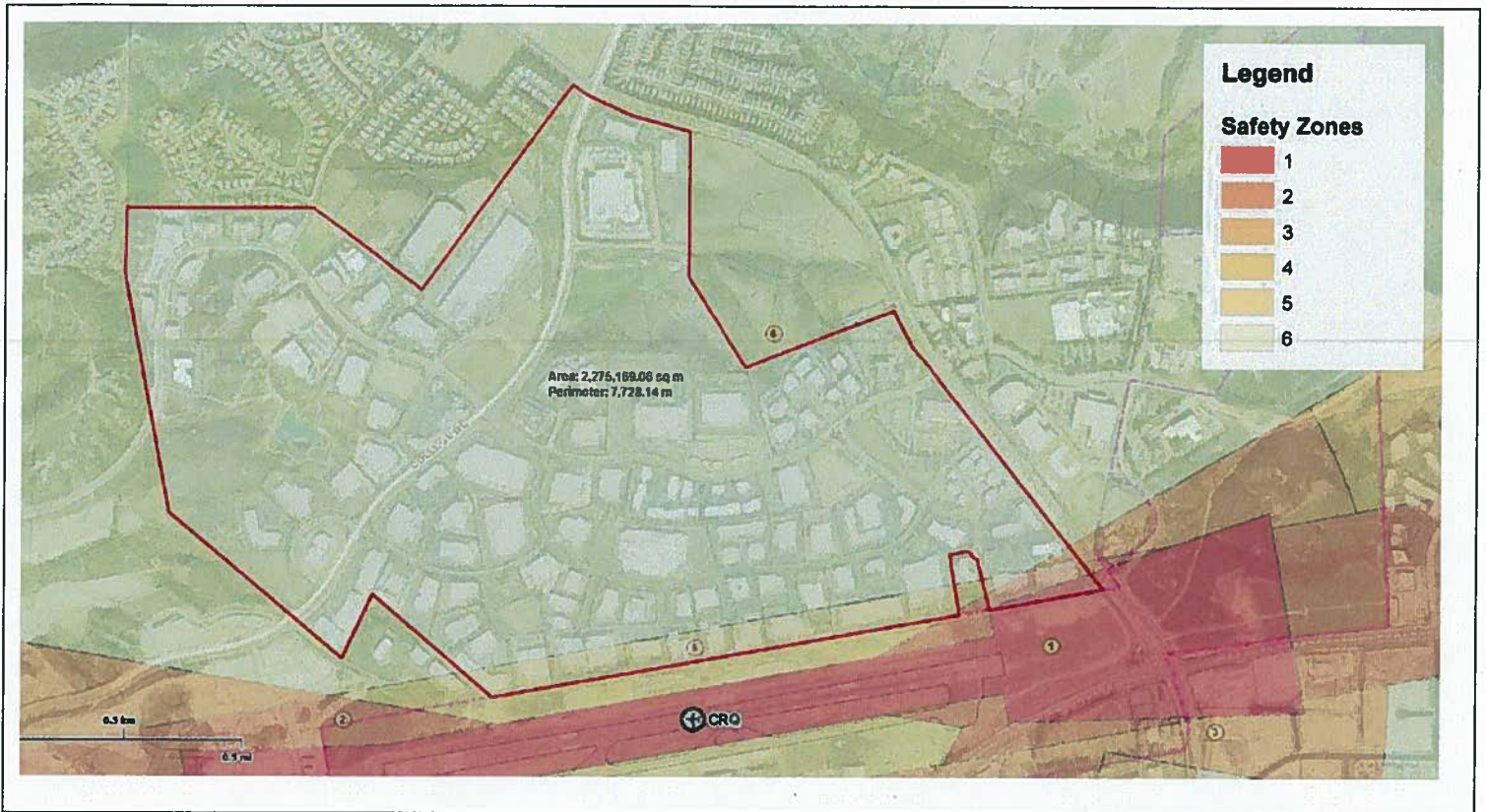
Recommendation: Based on review of the materials submitted in connection with the proposed project and the policies in the McClellan-Palomar Airport ALUCP, staff recommends that the ALUC make the determination that the project is conditionally consistent with the McClellan-Palomar Airport ALUCP.

Conditions:

- 1) Sound attenuation to the interior noise level specified by the ALUCP for land uses which are conditionally compatible with the noise compatibility criteria.
- 2) Recordation of an avigation easement with the County Recorder for land uses which are conditionally compatible within the 65 or higher dB CNEL noise contour.
- 3) Prohibit parks within the 70 or higher dB CNEL noise contour.
- 4) Obtain a determination of no hazard to air navigation from the FAA for any structure which meets notification criteria.
- 5) Prohibit structures within Safety Zone 1 and abide by the FAR or PPA limitations specified by the ALUCP for land uses which are conditionally compatible with the safety compatibility criteria.



Carlsbad Research Center Specific Plan Area



Carlsbad Research Center Specific Plan Area

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RESOLUTION NO. 2011-0019 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY, MAKING A DETERMINATION THAT THE PROPOSED PROJECT: ADOPTION OF CARLSBAD RESEARCH CENTER SPECIFIC PLAN, CITY OF CARLSBAD, IS CONDITIONALLY CONSISTENT WITH THE MCCLELLAN-PALOMAR AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN.

WHEREAS, the Board of the San Diego County Regional Airport Authority, acting in its capacity as the Airport Land Use Commission (ALUC) for San Diego County, pursuant to Section 21670.3 of the Public Utilities Code, was requested by the City of Carlsbad to determine the consistency of a proposed development project: Adoption of Carlsbad Research Center Specific Plan, City of Carlsbad, which is located within the Airport Influence Area (AIA) for the McClellan-Palomar Airport - Airport Land Use Compatibility Plan (ALUCP), adopted and amended in 2010; and

WHEREAS, the proposed project is the adoption of a specific plan without construction or establishment of any new land uses for a largely built-out area of 131 properties; and

WHEREAS, the proposed project would be located within the 60-65, 65-70, and 70-75 decibel Community Noise Equivalent Level (dB CNEL) noise contours, and the ALUCP identifies most project land uses located within these noise contours as compatible or conditionally compatible with airport uses, provided that the latter are sound attenuated to a 45 or 50 dB CNEL interior noise level as indicated in the ALUCP, and that an aviation easement is recorded with the County Recorder for conditionally compatible uses within the 65 or higher dB CNEL noise contour; and

WHEREAS, the proposed project would allow parks as a conditional land use within an area partially within noise contours of 70 or higher dB CNEL, and the ALUCP identifies parks as not compatible within noise contours of 70 or higher dB CNEL; and

WHEREAS, the proposed project does not involve any construction, and, in order to ensure compliance with the ALUCP airspace protection surfaces, a determination of no hazard to air navigation must be issued by the Federal Aviation Administration (FAA) for any proposed future construction which meets notification criteria; and

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WHEREAS, the proposed project is located primarily within Safety Zone 6, and the ALUCP identifies all project land uses located within Safety Zone 6 as compatible with airport uses; and

WHEREAS, a portion of a single property of the proposed project is located within Safety Zone 1 and contains no structures, and the ALUCP identifies structures located within Safety Zone 1 as incompatible with airport uses; and

WHEREAS, the proposed project has some properties located within Safety Zones 2, 3, and 5, and the ALUCP identifies project land uses located within Safety Zones 2, 3, and 5 as compatible or conditionally compatible with airport uses, provided that the latter abide by the floor area ratio (FAR) or people per acre (PPA) limitations specified in the ALUCP; and

WHEREAS, the ALUC has considered the information provided by staff, including information in the staff report and other relevant material regarding the project; and

WHEREAS, the ALUC has provided an opportunity for the City of Carlsbad and interested members of the public to present information regarding this matter;

NOW, THEREFORE, BE IT RESOLVED that the ALUC determines that the proposed project: Adoption of Carlsbad Research Center Specific Plan, City of Carlsbad, is conditionally consistent with the McClellan-Palomar Airport ALUCP, which was adopted and amended in 2010, based upon the following facts and findings:

- (1) The proposed project involves the adoption of a specific plan without construction or establishment of any new land uses for a largely built-out area.
- (2) The proposed project would be located within the 60-65, 65-70, and 70-75 dB CNEL noise contours. The ALUCP identifies most project land uses located within these noise contours as compatible or conditionally compatible with airport uses, provided that the latter are sound attenuated to a 45 or 50 dB CNEL interior noise level as indicated in the ALUCP, and that an avigation easement is recorded with the County Recorder for conditionally compatible uses within the 65 or higher dB CNEL noise contour. Therefore, as a condition of project approval, conditionally compatible uses must be sound attenuated to the applicable 45 or 50 dB CNEL interior noise level per the ALUCP, and an avigation easement must be recorded with the County

Recorder for conditionally compatible uses within the 65 or higher dB CNEL noise contour.

- (3) The proposed project would allow parks as a conditional land use within an area partially within noise contours of 70 or higher dB CNEL. The ALUCP identifies parks as not compatible within noise contours of 70 or higher dB CNEL. Therefore, as a condition of project approval, parks must be prohibited within noise contours of 70 or higher dB CNEL.
- (3) In order to ensure compliance with the ALUCP airspace protection surfaces, a determination of no hazard to air navigation must be issued by the FAA for any proposed future construction which meets notification criteria. Therefore, as a condition of project approval, a determination of no hazard to air navigation from the FAA must be required for any proposed future construction which meets notification criteria.
- (4) The proposed project is located primarily within Safety Zone 6. The ALUCP identifies all project land uses located within Safety Zone 6 as compatible with airport uses. A portion of a single property of the proposed project is located within Safety Zone 1 and contains no structures. The ALUCP identifies structures located within Safety Zone 1 as incompatible with airport uses. The proposed project has some properties located within Safety Zones 2, 3, and 5. The ALUCP identifies project land uses located within Safety Zones 2, 3, and 5 as compatible or conditionally compatible with airport uses, provided that the latter abide by the FAR or PPA limitations specified in the ALUCP. Therefore, as a condition of project approval, structures must be prohibited within Safety Zone 1 and conditionally compatible uses in other Safety Zones must abide by the FAR or PPA limitations specified in the ALUCP.
- (6) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the McClellan-Palomar Airport ALUCP.

BE IT FURTHER RESOLVED that this ALUC determination is not a "project" as defined by the California Environmental Quality Act (CEQA), Pub. Res. Code Section 21065, and is not a "development" as defined by the California Coastal Act, Pub. Res. Code Section 30106.

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PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a special meeting this 1st day of December, 2011, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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